

29.02.2016

Heard learned counsel for the petitioners and learned Addl. Government Advocate.

The petitioners are apprehending arrest for the alleged commission of offence under Sections 366 and 109/34 of the IPC in G.R. Case No.141/2003 of the court of learned SDJM, Parlakhemundi, arising out of Serango P.S. Case No.19/2003.

In course of hearing, the learned counsel for the petitioners wants to withdraw the anticipatory bail application with a liberty to surrender before the lower court and apply for bail so that their bail application shall be considered and disposed of by the court having jurisdiction to do so.

In that view of the matter, the ABLAPL is disposed of as withdrawn.

The petitioners are given liberty to surrender before the learned SDJM, Parlakhemundi in the aforesaid case in the first hour within 21 working days hence and move for bail. On such event, the learned magistrate shall consider their application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the petitioners may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the petitioners on the same day strictly on the basis of the materials on record. Case Diary be made available to the concerned court. Records be transmitted to the higher forum at the cost of the petitioners, if applied for. The main accused has already been granted anticipatory bail as submitted by the counsel. Hence, parity be maintained by the courts below while disposing of the bail application, if applicable to the present case.

Urgent certified copy of this order be granted as per rules.

S.K. Mishra, J.

In the interim Case No. 8721 of 2015 at the petitioner no.2 shall not be disengaged only on the basis of attaining the age of 60 till the next date.

Urgent certified copy of this order be granted as per rules.

S.K. Mishra, J.